

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

)	
PHILLIP MOCEK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:11-cv-1009-BB/KBM
)	
CITY OF ALBUQUERQUE, ET AL.,)	
)	
)	
Defendants.)	
)	

INDIVIDUAL FEDERAL DEFENDANTS’ MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Fed. R. Civ. P., Transportation Security Administration employees Gerald Romero, Anthony Schreiner and Jonathon Breedon, who are being sued in their individual capacity, move through their undersigned attorneys for the entry of an order dismissing the Plaintiff’s claims against them for failure to state a claim upon which relief can be granted. In support of this motion, the Court is respectfully referred to the attached Memorandum of Law, and two exhibits.

Pursuant to D.N.M.LR-Civ. 7.1(a), counsel for the Plaintiff was contacted on May 30, 2012, and she opposes this motion.

Dated: June 1, 2012

Kevin J. O’Connor
United States Attorney

Respectfully Submitted

Stuart F. Delery
Acting Assistant Attorney General

Rupa Bhattacharyya
Director, Torts Branch

Andrea W. McCarthy
Senior Trial Counsel

Manuel Lucero
Assistant United States Attorney

/S/ Edward J. Martin
Edward J. Martin
Trial Attorney, Torts Branch
Civil Division
United States Department of Justice
P.O. Box 7146, Ben Franklin Station
Washington, D.C. 20044
Tel: 202-616-1024
Fax: 202-616-4314
Edward.Martin2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2012, a copy of this pleading, including a memorandum of law and two exhibits, was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/S/ Edward J. Martin
Edward J. Martin
Trial Attorney, Torts Branch